



Order Filed on October 24, 2022  
by Clerk  
U.S. Bankruptcy Court  
District of New Jersey

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY**

**Caption in Compliance with D.N.J. LBR 9004-2(c)**

**MCMANIMON, SCOTLAND& BAUMANN, LLC**

427 Riverview Plaza

Trenton, New Jersey 08611

(609) 695-6070

Andrea Dobin, Esq.

*Attorneys for Thomas J. Orr, Chapter 7 Trustee*

In re:

GARDEE, Raphael S.,

Debtor.

Case No. 20-13167 (KCF)

Honorable Kathryn C. Ferguson, U.S.B.J.

Chapter 7

**CONSENT ORDER AUTHORIZING SALE OF  
CO-OWNER'S INTEREST PURSUANT TO 11 U.S.C. § 363(h)**

The relief set forth on the following pages numbered two (2) through three (3) is hereby  
**ORDERED.**

**DATED: October 24, 2022**

  
Honorable Kathryn C. Ferguson  
United States Bankruptcy Judge

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Debtor: Raphael S. Gardee

Case No. 20-13167 (KCF)

Caption of Order: Consent Order Authorizing Sale of Co-Owner's Interest Pursuant to 11 U.S.C. § 363(h)

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**THIS MATTER**, having been presented to the Court by Thomas J. Orr, the Chapter 7 Trustee (the “**Trustee**”) for Raphael S. Gardee, Chapter 7 debtor (“**Debtor**”), by and through his counsel, McManimon, Scotland & Baumann, LLC, upon the filing of an Application for Entry of Consent Order; and the Court noting the consent of the parties to the form, substance and entry of the within Order;

**IT IS HEREBY ORDERED** that the Trustee is authorized to sell the interests of Genya Daukshta (“**Daukshta**”) in the real property commonly known as 161 Pleasant Valley Rd., Titusville, New Jersey (the “**Property**”), together with the interest of the within Bankruptcy Estate, pursuant to 11 U.S.C. § 363(h); and it is

**FURTHER ORDERED** that if Daukshta intends to exercise her right of first refusal afforded to her pursuant to 11 U.S.C. § 363(i) she must do so by way of objection to the Trustee's Motion to sell the Property at which time the contract purchaser will be given the opportunity to increase its bid triggering Daukshta's right to exercise her right of first refusal anew until such time as the bidding ceases; and it is

**FURTHER ORDERED** that Daukshta's failure to object to the Trustee's motion to sell the Property will be deemed a waiver of her right of first refusal; and it is

**FURTHER ORDERED** that upon the sale of the Property, Daukshta will be entitled to fifty percent (50%) of the net proceeds, after payment of liens, if any, that are against the real estate for which both owners are liable, real estate agent commissions and costs of sale pursuant to 11 U.S.C. § 363(j) which payment will be made as soon as practicable following closing on the sale of the Property.

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Debtor: Raphael S. Gardee

Case No. 20-13167 (KCF)

Caption of Order: Consent Order Authorizing Sale of Co-Owner's Interest Pursuant to 11 U.S.C. § 363(h)

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The undersigned consent to the form, substance and entry of the within Order.

**McMANIMON, SCOTLAND  
& BAUMANN, LLC**

*Counsel to Thomas J. Orr, Chapter 7 Trustee*

Dated: 10/13/22

By: /s/ Andrea Dobin  
Andrea Dobin

**LAW OFFICES OF WILLIAM SANDERSON,  
LLC, Counsel to Co-Owner Genya Daukshta**

Dated: 10/13/22

By: /s/ William B. Sanderson, Jr.  
William B. Sanderson, Jr.